

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT T. BROCKMAN

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**Criminal No. 4:21-cr-
00009**

JOINT MOTION FOR A PROTECTIVE ORDER

The government and the Defendant (“Parties”) respectfully requests that this Court grant this Unopposed Motion for a Protective Order. In support of the Motion, the Parties respectfully states as follows:

1. On August 2, 2021, the Defendant produced to the government 15 Microsoft Word files in native format with the following file names (together the "Health Documents"):

- a. HEALTH ISSUES DECEMBER 2004.doc
- b. HEALTH ISSUES DECEMBER 2005.doc
- c. HEALTH ISSUES DECEMBER 2006.doc
- d. HEALTH ISSUES DECEMBER 2007.doc
- e. HEALTH ISSUES DECEMBER 2008.doc
- f. HEALTH ISSUES DECEMBER 2009.doc
- g. HEALTH ISSUES DECEMBER 2010.doc
- h. HEALTH ISSUES DECEMBER 2011.doc
- i. HEALTH ISSUES DECEMBER 2012.doc
- j. HEALTH ISSUES DECEMBER 2013.doc

- k. HEALTH ISSUES DECEMBER 2014.doc
- l. HEALTH ISSUES SEPTEMBER 2015.doc
- m. HEALTH ISSUES SEPTEMBER 2016.doc
- n. HEALTH ISSUES DECEMBER 2017.doc
- o. HEALTH ISSUES SEPTEMBER 2018.docx

2. The Defendant's counsel, on or around July 16, 2021, retained Mr. Scott Polus of Xact Data Discovery, a computer forensic expert, to analyze the metadata of the Health Documents. On August 6, 2021, Defendant's counsel filed with the Court an expert report by Mr. Polus that concluded that each Health Document was created, last modified and last saved contemporaneously on or about the date in each document's filename.

3. On August 30, 2021, the Government requested a copy of the same forensic image examine by Mr. Polus so that it could consider whether to stipulate to the authenticity of the Health Documents. On September 1, 2021, Defendant's counsel provided the government with a Logical Evidence File containing the Health Documents in their original path and format, along with the metadata for each of the files exactly as they exist on the original forensic image of the hard drive. In response, the Government informed Defendant's counsel that it wanted to examine the same forensic image review by Mr. Polus.

4. Defendant's counsel understands from Mr. Polus that the file metadata and system metadata for the Health Documents are located on two separate hard drives that were contained on the Defendant's laptop. One hard drive contains the Health Documents

with their associated metadata (the "Data Hard Drive"). A second hard drive contains the operating system for the laptop and is where the system metadata is located (the "Operating System Hard Drive"). The Data Hard Drive was described by Mr. Polus as a 500 GB Samsung SSD 860 EVO mSATA with serial number S41NNBOKCO5315L. Mr. Polus created a forensic image of the Data Hard Drive and generated a unique hash value of eaa09abda7dfa7071a5e362e515ec8e2. This hash value is unique to the Data Hard Drive and ensures that other copies of this forensic image are genuine.

5. The Defendant represents that both the Data and Operating System Hard Drives contain privileged information.

6. To facilitate the Government's review of both the file metadata and system metadata for the Health Documents, while simultaneously protecting the Defendant's privileged documents, the parties have agreed to enter into a protective order to govern the Government's review of forensic images of the Data Hard Drive and the Operating System Hard Drive.

WHEREFORE, the Parties respectfully request that this Honorable Court enter a Protective Order in the form attached hereto as Exhibit 1.

Respectfully submitted on September 10, 2021.

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